

Will the broadcast flag interfere with consumers ability to make copies of DTV content for their personal use, either on personal video recorders or removable media?

Yes, a broadcast flag which prevents any of these activities: time-shifting of programming, space-shifting of programming, or a change in the viewing device used - or which reduces the quality of recorded programming - would indeed violate the rights which the Supreme Court in their landmark Betamax decision delineated for the American public. In order to avoid reducing the rights of the public, any anti-copy flag must still permit an individual to watch a program at a different time than its broadcast time; must permit an individual to take that recording to a different device to view it, whether it be a computer, analog TV, or other personal-level device (e.g., theater viewing would obviously not fall under this protection); must allow the viewer to skip or review any portion of the program as many times as he or she sees fit; and must do all this without forcing a reduction in programming quality on the individual.

Would the digital flag interfere with consumers ability to send DTV content across networks, such as home digital networks connecting digital set top boxes, digital recorders, digital servers and digital display devices? An anti-copy flag would likely hinder these activities as well. If a consumer uses a centralized digital video recorder to tune/record digital programming, with access throughout his or her own house to permit viewing of recorded or current programming from any viewing device in the home, any anti-copy flag must *\*not\** hinder the ability and right of the individual to do this.

Would the broadcast flag requirement limit consumers ability to use their existing electronic equipment (equipment not built to look for the flag) or make it difficult to use older components with new equipment that is compliant with the broadcast flag standard?

An anti-copy flag would likely be accompanied by changes in standards (as well as new legislation) which would obsolete equipment already in place. The entertainment industry has no motivation not to change the standards to make older equipment obsolete, and therefore cannot be trusted with the ability to set the standards used in digital technology. These standards must fit the transmission needs of service carriers as well as the needs of consumers who are already excited about digital technology and are buying into it early (and customer acceptance is arguably the most favorable impact upon any new technology).

Would a broadcast flag requirement limit the development of future equipment providing consumers with new options?

Obviously, any anti-copy flag which limits the options given to consumers - i.e., limiting or blocking their rights to time-shift and space-shift programming without loss in quality - will limit development of future equipment! This is similar to DVD technology which prevent legitimate users from viewing out-of-region-code discs in their region-coded players, an obvious violation of the time- and space-shifting rights of the consumer to view content for which they have paid the legitimate agreed price to the entertainment provider.

What will be the cost impact, if any, that a broadcast flag requirement would have on consumer electronics equipment?

The cost impact would likely not be very significant for consumer electronics that followed regulations requiring such an anti-copy flag, but

the cost of modified players or players which did not fit under regulations would likely be far higher, even though such equipment would simply be there to protect the rights of the consumer. This was seen with more expensive "region-free" DVD players, even though such players were intended to protect the consumer from purchasing content which they were unable to view due to unfair limitations on space-shifting rights.

Other Comments:

All in all, the concept of digital rights management is fallacious at best.

For over twenty years, the realm of analog broadcast programming has not been annihilated by the availability of devices to assert the consumer's rights of time- and space-shifting content. As we all recall, the entertainment industry proclaimed fears of being decimated by the humble VCR at that time, but in the past two decades, an entire industry (e.g., Blockbuster) has instead been built around this technology. In the meantime, television programming has grown significantly, despite - or perhaps \*because of\* - the freedom to time-shift and space-shift which the VCR provided. Attempting to limit and violate those rights now is an obvious case of history repeating itself, and the entertainment industry should not be permitted to dictate the nature of technology when it is the end-user who must live with the results on a daily basis. Since the transition to digital television will be forced upon the public by the federal government by 2006, the rights of the public should not be abridged in the process.

The entertainment industry should focus on the true problem with which they are faced - online piracy - and not with limiting and violating the rights of legitimate, law-abiding users who are happy to consume programming as they have been doing for decades.